IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUMMONS FOR JUDGMENT NO.697 OF 2004
IN
SUMMARY SUIT NO.1672 OF 2004

Bhatia Shipping Agencies. ...Plaintiff.
Versus
Alcobex Metals Ltd. ...Defendant.

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Mr. Vishal Sheth i/b. Ruben A. Fernandes for the Plaintiff.
Ms.Fereshte Sethna with Ms. Dipti Das & Ms. Suja T.C. I/b. Dunmorr Sett for the Defendant.

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CORAM : DR. D.Y. CHANDRACHUD, J.
June 19, 2007.

P.C.:

The two defences urged on behalf of the Defendant namely, (i) That the alleged acknowledgment of liability at Exhibit-A to the plaint is a forged; and (ii) That the Defendant has forfeited a sum of Rs.22,85,517.53 being the price of a consignment which was misdelivered by the Plaintiff and, having regard to the Defendant's letter dated 16th December 2002, triable raise issues. Unconditional leave is accordingly granted to defend the suit. The Summons for Judgment is

disposed of. Written Statement to be filed within six weeks from

today.

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